

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
WESTERN DIVISION**

LORETTA L. THOMAS

Plaintiff,

v.

FEDERAL INSURANCE CO.

Defendant.

Case No. _____

Judge _____

**NOTICE OF REMOVAL OF
DEFENDANT FEDERAL INSURANCE
CO.**

Pursuant to 28 U.S.C. § 1441, defendant Federal Insurance Company (“FIC”) files this notice seeking removal to this Court. In support thereof, FIC states as follows:

1. FIC is a defendant in a civil action entitled *Loretta L. Thomas v. Federal Insurance Co.*, Case No. G-4801-CV-0201703813-000, filed by Plaintiff Loretta L. Thomas (“Thomas”) in the Lucas County, Ohio Court of Common Pleas.

2. Thomas filed her complaint on or about August 21, 2017, and FIC received service through certified mail on August 28, 2017. *See* Ex. A. A copy of all process, pleadings, and orders served on FIC in the state court action is attached in Exhibit A.

3. Thomas alleges she is a resident of Toledo, Ohio, and she provided her mailing address in Toledo, Ohio. *See* Ex. A, Compl. ¶ 1. Therefore, Thomas is a citizen of the state of Ohio.

4. FIC is an entity incorporated under the laws of the state of Indiana with its principal place of business in Whitehouse Station, New Jersey. FIC is therefore a citizen of Indiana and New Jersey pursuant to 28 U.S.C. § 1332(C)(1).

5. Thomas alleges she is a beneficiary to a life insurance policy held by her daughter for benefits exceeding \$300,000. Thomas alleges that FIC used bad faith in initially denying a claim for life insurance proceeds after her daughter's passing. *See* Compl. ¶¶ 5, 13, 15. Although the claim was later paid, she alleges damages caused by this denial in an amount "exceeding \$10,000," as well as punitive damages "exceeding \$50,000." Compl. ¶¶ A, B, p. 4.

6. The matter in dispute exceeds \$75,000. Although Thomas does not state a sum certain for her claims, she alleges her claims collectively exceed \$60,000. Considering the policy at issue provided for benefits of \$300,000, the potential for punitive damages, and Thomas's request for "any and all other relief" available, Thomas's complaint can legally result in a recovery of over \$75,000.

7. Removal is proper pursuant to 28 U.S.C. § 1441 because this is a civil action over which the United States District Court has original jurisdiction pursuant to 28 U.S.C. § 1332. From the date of the filing of this action to the present, diversity of citizenship has existed between Thomas and FIC, and the amount in controversy exceeds \$75,000.

8. Venue is proper in the Western Division of the United States District Court for the Northern District of Ohio because this division of the Court embraces the Lucas County, Ohio Court of Common Pleas, and venue is proper in Lucas County, Ohio, as some or all of the facts giving rise to the matter in dispute arose in Lucas County and Plaintiff resides there. *See* Local Rule 3.8(a).

8. This Notice of Removal was timely filed because 30 days have not expired from service of process.

10. Defendants will move or otherwise plead within the time specified by Federal Rule of Civil Procedure 81(c).

11. As required by 28 U.S.C. § 1446(d), FIC will give notice of the filing of this removal to Thomas and to the Clerk in the Common Pleas Court of Lucas County, Ohio.

WHEREFORE, defendant Federal Insurance Company respectfully requests that this action be removed to this Court.

Respectfully submitted,

/s/ Peter J. Georgiton

Peter J. Georgiton (0075109)

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*Attorney for Defendant Federal Insurance
Company*

CERTIFICATE OF SERVICE

This is to certify that, on the 29th day of August 2017, I filed the foregoing electronically through the Court's CM/ECF system. A copy of this Notice of Removal has been served upon the following via Regular U.S. Mail, postage prepaid, as well as via electronic mail, this 29th day of August 2017:

Michael D. Portnoy, Esq.
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hawkport@aol.com

Attorney for Plaintiff Loretta L. Thomas

/s/ *Peter J. Georgiton*

Peter J. Georgiton (0075109)